

# SENATE JOURNAL

## OF THE

# IDAHO LEGISLATURE

SECOND REGULAR SESSION  
SIXTY-THIRD LEGISLATURE

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SEVENTEENTH LEGISLATIVE DAY  
WEDNESDAY, JANUARY 27, 2016

Senate Chamber

President Pro Tempore Hill called the Senate to order at 11:30 a.m.

Roll call showed all members present except Senators McKenzie and Winder, absent and formally excused by the Chair.

Prayer was offered by Father John Worster.

The Pledge of Allegiance was led by Nina Harelson, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 26, 2016, was read and approved as corrected.

LODGE, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

January 27, 2016

The JUDICIARY AND RULES Committee reports that [S 1213](#), [S 1214](#), and [S 1215](#) have been correctly printed.

LODGE, Chairman

[S 1213](#) was referred to the Resources and Environment Committee.

[S 1214](#) and [S 1215](#) were referred to the Agricultural Affairs Committee.

January 26, 2016

The COMMERCE AND HUMAN RESOURCES Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Dean L. Cameron as the Director of the Department of Insurance, term to continue at the pleasure of the Governor.

PATRICK, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

### Messages from the Governor

January 25, 2016

The Honorable Brad Little  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Joe B. McNeal of Mountain Home, Idaho, was reappointed as a member of the Idaho Commission on Human Rights to serve a term commencing July 1, 2015, and expiring July 1, 2018.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*  
/s/ C.L. "Butch" Otter  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the State Affairs Committee.

January 25, 2016

The Honorable Brad Little  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Kevin Coyne Settles of Boise, Idaho, was reappointed as a member of the Idaho Commission on Human Rights to serve a term commencing July 1, 2015, and expiring July 1, 2018.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*  
/s/ C.L. "Butch" Otter  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the State Affairs Committee.

January 25, 2016

The Honorable Brad Little  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Mike H. Matthews of Declo, Idaho, was reappointed as a member of the Commission

on Pardons and Parole to serve a term commencing January 1, 2016, and expiring January 1, 2019.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*  
/s/ C.L. "Butch" Otter  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Judiciary and Rules Committee.

January 25, 2016

The Honorable Brad Little  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Michael David Johnston of Boise, Idaho, was reappointed as a member of the Sexual Offender Management Board to serve a term commencing January 1, 2016, and expiring January 1, 2019.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*  
/s/ C.L. "Butch" Otter  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Judiciary and Rules Committee.

The Senate advanced to the Ninth Order of Business.

#### Messages from the House

January 26, 2016

Dear Mr. President:

I transmit herewith [H 342](#) and [H 349](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 342](#) and [H 349](#) were filed for first reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

#### Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

##### S 1216

##### BY FINANCE COMMITTEE

##### AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED FOR FISCAL YEAR 2016; AND DECLARING AN EMERGENCY.

##### S 1217

##### BY FINANCE COMMITTEE

##### AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR THE PURCHASING PROGRAM FOR FISCAL YEAR 2016; APPROPRIATING AND TRANSFERRING MONEYS FROM THE IDAHO EDUCATION NETWORK FUND TO THE PUBLIC INSTRUCTION FUND FOR FISCAL YEAR 2016; APPROPRIATING MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR THE INFORMATION TECHNOLOGY PROGRAM FOR FISCAL YEAR 2016; AND DECLARING AN EMERGENCY.

##### S 1218

##### BY STATE AFFAIRS COMMITTEE

##### AN ACT

RELATING TO CODIFIER'S CORRECTIONS; AMENDING SECTION 19-853, IDAHO CODE, TO MAKE A CODIFIER'S CORRECTION; AMENDING SECTION 19-860, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 26-106, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 26-3203, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 26-3205, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTIONS 30-2003 THROUGH 30-2009, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES; AMENDING SECTION 30-21-804, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 31-709, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 33-1021, IDAHO CODE, AS ENACTED BY SECTION 1, CHAPTER 310, LAWS OF 2011, TO REDESIGNATE THE SECTION; AMENDING SECTION 33-1630, IDAHO CODE, AS ENACTED BY SECTION 2, CHAPTER 289, LAWS OF 2015, TO REDESIGNATE THE SECTION; AMENDING SECTION 33-1630, IDAHO CODE, AS ENACTED BY SECTION 1, CHAPTER 68, LAWS OF 2015, TO REDESIGNATE THE SECTION; AMENDING SECTION 34-439A, IDAHO CODE, TO MAKE CODIFIER'S CORRECTIONS; AMENDING SECTION 34-616, IDAHO CODE, TO MAKE A CODIFIER'S CORRECTION; AMENDING SECTION 36-1402, IDAHO CODE, TO MAKE A CODIFIER'S CORRECTION AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 47-319, IDAHO CODE, TO MAKE CODIFIER'S CORRECTIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 49-102, IDAHO CODE, TO MAKE A CODIFIER'S CORRECTION; AMENDING SECTION 49-402, IDAHO CODE, TO MAKE A CODIFIER'S CORRECTION; AMENDING SECTION 49-420N, IDAHO CODE, AS ENACTED BY SECTION 2, CHAPTER 8, LAWS OF 2015, TO REDESIGNATE THE SECTION; AMENDING THE HEADING FOR CHAPTER 56, TITLE 54, IDAHO CODE, AS ENACTED BY SECTION 1, CHAPTER 121, LAWS OF 2015, TO REDESIGNATE THE CHAPTER; AMENDING SECTIONS 54-5601 THROUGH 54-5606, IDAHO CODE, AS ENACTED BY SECTION 1, CHAPTER 121, LAWS OF 2015, TO REDESIGNATE THE SECTIONS; AMENDING SECTION 54-5607, IDAHO CODE, AS ENACTED BY SECTION 1, CHAPTER 121, LAWS OF 2015, TO REDESIGNATE THE SECTION AND TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTIONS 54-5608 THROUGH 54-5613, IDAHO CODE, AS ENACTED BY SECTION 1, CHAPTER 121, LAWS OF 2015, TO REDESIGNATE

THE SECTIONS; AMENDING SECTION 59-1604, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 61-1702, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 67-2345A, IDAHO CODE, AS ENACTED BY SECTION 2, CHAPTER 271, LAWS OF 2015, TO REDESIGNATE THE SECTION, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 67-2601A, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 67-4740, IDAHO CODE, TO MAKE A CODIFIER'S CORRECTION AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 67-7441, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE.

**S 1219**

**BY STATE AFFAIRS COMMITTEE**

**AN ACT**

RELATING TO PUBLIC WORKS CONTRACTS; AMENDING SECTION 54-4511, IDAHO CODE, TO PROVIDE FOR COMPENSATION OF CONSTRUCTION MANAGERS AND GENERAL CONTRACTORS, TO PROVIDE THAT CERTAIN COSTS MAY BE INCORPORATED INTO A CONTRACT, TO PROVIDE THAT CERTAIN BIDS SHALL BE HANDLED IN A PARTICULAR MANNER, TO CLARIFY HOW CONSTRUCTION MANAGERS AND GENERAL CONTRACTORS MAY BID, TO PROVIDE THAT CERTAIN TERMS SHALL BE INCLUDED IN CERTAIN CONTRACTS AND TO REMOVE A PROVISION RELATING TO COMPENSATION.

**S 1220**

**BY STATE AFFAIRS COMMITTEE**

**AN ACT**

RELATING TO THE RACING COMMISSION; AMENDING CHAPTER 25, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-2507A, IDAHO CODE, TO DIRECT THE COMMISSION TO MAKE CERTAIN PAYMENT TO THE IDAHO HORSE COUNCIL UNDER SPECIFIED CONDITIONS; DECLARING AN EMERGENCY; AND PROVIDING A SUNSET DATE.

**S 1221**

**BY COMMERCE AND HUMAN RESOURCES COMMITTEE**

**AN ACT**

RELATING TO INSURANCE PRODUCER LICENSING; AMENDING SECTION 41-1016, IDAHO CODE, TO REVISE PROVISIONS REGARDING SUSPENSION OR REVOCATION OF NONRESIDENT LICENSES AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 41-1026, IDAHO CODE, TO REVISE PROVISIONS REGARDING LICENSURE AFTER REVOCATION OF OR REFUSAL TO CONTINUE A LICENSE AND TO PROVIDE THAT A LICENSE SHALL NOT BE ISSUED WITHIN A CERTAIN PERIOD OF TIME TO A PERSON WHOSE APPLICATION FOR A LICENSE WAS PREVIOUSLY DENIED; AND AMENDING SECTION 41-1108, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS.

[S 1216](#), [S 1217](#), [S 1218](#), [S 1219](#), [S 1220](#), and [S 1221](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[H 342](#) and [H 349](#), by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

The Senate advanced to the Twelfth Order of Business.

**Second Reading of Bills**

[S 1197](#), [S 1206](#), and [S 1207](#), by Finance Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

**Third Reading of Bills**

[S 1201](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Schmidt arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Anthon, Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Davis, Den Hartog, Guthrie, Hagedorn, Harris, Heider, Hill, Johnson, Jordan, Keough, Lacey, Lakey, Lee, Lodge, Martin, Mortimer, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayn, Vick, Ward-Engelking. Total - 33.

NAYS—None.

Absent and excused—McKenzie, Winder. Total - 2.

Total - 35.

Whereupon the President declared [S 1201](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

**Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Stennett, by voice vote, the Senate adjourned at 12 noon until the hour of 11:30 a.m., Thursday, January 28, 2016.

BRENT HILL, President Pro Tempore

Attest: JENNIFER NOVAK, Secretary